

ARK. CODE §12-82-101 ET SEQ., ARKANSAS SERC/LEPC ACT, 2001
TITLE 12. LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS.
CHAPTER 82. ARKANSAS SERC/LEPC ACT

- 12-82-101. Title.
- 12-82-102. Purpose.
- 12-82-103. Definitions.
- 12-82-104. State Emergency Response Commission.

12-82-101. Title.

This chapter may be known and cited as the Arkansas SERC/LEPC Act.

12-82-102. Purpose.

Because of existing and increasing accidents, incidents, and events involving hazardous and toxic materials in transport, manufacturing, storage, refining, and usage and because of federal mandates imposed upon state and local governments under the provisions of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 et seq., it is found and declared to be necessary to:

- (1) Create a State Hazardous Materials Emergency Response Commission which shall be empowered to take the necessary actions and activities required under state and federal laws, rules, and regulations related to emergency planning, training, response, and recovery activities for hazardous and toxic materials;
- (2) Administer the provisions of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 et seq.; and
- (3) Authorize the commission to investigate, review, implement, and manage such standards and requirements as may be needed for the certification of public emergency responders and other related emergency personnel as may be subject to emergency response and recovery actions related to hazardous and toxic materials incidents, accidents, or events.

12-82-103. Definitions.

As used in this chapter:

- (1) "Certification" means a formal document acknowledging that an individual has reached the minimum level of formal training and education, required under federal regulations and guidance provided through the State Hazardous Materials Emergency Response Commission, to perform his or her normally assigned duties for hazardous and toxic materials emergency response;

- (2) "Emergency responder" means a person or persons enrolled in organizations which are entities of state or local government, or acting in behalf of state or local government, including, but not limited to, professional or volunteer law enforcement, firefighting, emergency medical, emergency services, or other public emergency response personnel who respond to the scene of a disaster with an assigned role in public safety and emergency services;
- (3) "Emergency response and recovery" means those actions required at the scene of a disaster or emergency, as described in the Arkansas Emergency Services Act of 1973, §§ 12-75-101 et seq., for public safety, health, and welfare;
- (4) "Hazardous and toxic materials" or "HAZMAT" means:
 - (A) Extremely hazardous substances under 42 U.S.C. § 11002, hazardous chemicals under 42 U.S.C. §§ 11021 and 11022, and toxic chemicals under 42 U.S.C. § 11023; and
 - (B) Such other hazardous and toxic substances as may later be designated by federal regulatory agencies; and
- (5) "State Emergency Response Commission" or "SERC" refers to the State Hazardous Materials Emergency Response Commission as specified in this chapter.

12-82-104. State Emergency Response Commission.

- (a) (1) The State Emergency Response Commission shall be composed of:
 - (A) The directors of the Department of Health, the Arkansas Department of Environmental Quality, the Department of Arkansas State Police, the Arkansas Department of Emergency Management, the Department of Labor, the Arkansas Fire Training Academy, the Arkansas State Highway and Transportation Department, the Adjutant General, or their designated representatives;
 - (B) One (1) individual representing the local emergency planning committees;
 - (C) Two (2) individuals from regulated entities;
 - (D) One (1) individual from an unregulated entity with knowledge of the Emergency Planning and Community Right-to-Know Act of 1986; and
 - (E) One (1) private citizen to represent the public at large.
 - (2) (A) The chair of the commission shall be elected by the members of the commission and shall serve for a two-year period.
 - (B) (i) Each commission member designated in subdivisions (a)(1)(B)-(E) of this section shall serve for a term of four (4) years and shall serve at the pleasure of the Governor.
 - (ii) The term of any member designated in subdivisions (a)(1)(B)-(E) of this section may be extended for a period of one (1) year to prevent the terms of all members from expiring in the same year.
- (b) The commission shall establish local emergency planning committees within the authorized and established local emergency services jurisdiction of the state as prescribed in §§ 12-75-101 - 12-75-129.

- (c) Local emergency planning committee membership, functions, and duties shall be in accordance with the federal guidelines prescribed in the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 et seq.
- (d) The commission may promulgate such rules, regulations, and guidelines as deemed necessary or desirable:
 - (1) For the training and certification of public emergency response and recovery personnel, as defined in this chapter;
 - (2) To ensure compliance with the appropriate federal guidelines and law governing public emergency response and recovery personnel; and
 - (3) To adequately administer the requirements of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 et seq., in accordance with the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.
- (e) Any person who is denied training certification under this chapter may appeal such decision to the commission by notifying the commission in writing within fifteen (15) days after the denial of certification.